

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1183

Konstantinos Ritos,

Petitioner,

v.

Alberto Gonzales,¹ Attorney General
of the United States of America,

Respondent.

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Petition for Review of an Order of
the Board of Immigration Appeals.

UNPUBLISHED

Submitted: November 18, 2005

Filed: January 9, 2006

Before WOLLMAN, LAY, and MELLOY, Circuit Judges.

PER CURIAM.

Konstantinos Ritos, a citizen of Greece, petitions for review of an order of the Board of Immigration Appeals (“BIA”), which affirmed without opinion an

¹ Alberto Gonzales has been appointed to serve as Attorney General of the United States and is substituted as the appellee pursuant to Federal Rule of Appellate Procedure 43(c).

Immigration Judge's denial of Ritos's requests for asylum, withholding of removal, and relief under Article 3 of the Convention Against Torture ("CAT").²

We lack jurisdiction to review the BIA's determination that Ritos's asylum application was not timely filed within one year of his arrival into the United States and that he did not show changed or extraordinary circumstances justifying his untimely application. See 8 U.S.C. § 1158(a)(3); Ngure v. Ashcroft, 367 F.3d 975, 988-89 (8th Cir. 2004).

Ritos also claims he is entitled to withholding of removal under 8 U.S.C. § 1231(b)(3), which is not subject to a one-year filing deadline. After a careful review of the record, we conclude that Ritos is not entitled to withholding of removal because he failed to demonstrate a clear probability that he would be persecuted on one of the enumerated grounds if removed to Greece. See Tawm v. Ashcroft, 363 F.3d 740, 744 (8th Cir. 2004). Ritos also failed to carry his burden for relief under the CAT because he has not shown that it is more likely than not that he will be tortured if he returns to Greece. Id.

Accordingly, we deny the petition.

² Ritos has not appealed the Immigration Judge's denial of his request for voluntary departure.